



STAFF REPORT
MAPC: November 30, 2023
DAB VI: December 11, 2023

CASE NUMBER: CON2023-00056 (City)

APPLICANT/OWNER: Maluisa Carlos De Casas (Applicants)

REQUEST: Conditional Use request for an Accessory Apartment

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.614 acres

LOCATION: Generally located on the north side of West Central Avenue, within one-quarter mile east of I-235 Highway (703 North Clara Street).

PROPOSED USE: Bring existing Accessory Apartment into Compliance

RECOMMENDATION: Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to bring an existing Accessory Apartment into compliance on a property zoned SF-5 Single-Family Residential District. The property is located at 703 North Clara Street, which is generally located on the north side of West Central Avenue, within one-quarter mile east of I-235 Highway. The site is currently developed with a 1,236 square foot single-family home (built in 1949) and a detached, 928 square foot Accessory Apartment. According to the Sedgwick County Appraiser's Office, the additional dwelling was considered a "Guest Cottage" when it was constructed in 1950. The applicant was attempting to have a separate electric meter installed on the Accessory Apartment when the nonconforming dwelling was discovered.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "Accessory Apartment" (Art. II. Sec. II-B.1.b) as a dwelling unit that may be wholly within or may be detached from a principal single-family dwelling unit. Accessory Apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a:

1. A maximum of one Accessory Apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an Accessory Apartment.
2. The appearance of an Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood.
3. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium.
4. The water and sewer service provided to the Accessory Apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone, and cable television utility service may be provided as separate utility services.

The applicant is not proposing any changes to the existing Accessory Apartment other than providing separate franchise utility service, which is permitted by the Supplementary Use Regulations. The appearance of the Accessory Apartment is compatible with the main dwelling and the neighborhood. It is constructed with lap siding and a hip roof similar to that of the main dwelling. The Accessory Apartment meets all setback standards of the SF-5 District.

Property to the west is zoned TF-3 Two-Family Residential District and developed with a single-family dwelling and detached garage. Properties to the north, east, and south are zoned SF-5 Single-Family Residential District and developed with single-family dwellings and accessory structures. Properties to the southeast and southwest are zoned LC Limited Commercial District and developed with commercial uses.

CASE HISTORY: On September 21, 1948, the site was platted as Lot 30 of the Pettett Gardens Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residence
SOUTH:	SF-5	Single-family residence
WEST:	TF-3	Single-family residence
EAST:	SF-5	Single-family residence

PUBLIC SERVICES: The subject site has access to North Clara Street, a paved, two-way local street with no sidewalks. The site abuts West Central Avenue, but there are no drive access points. Wichita Transit serves the subject site with regular bus service along West Central Avenue and bus stops located within one-quarter mile east and west of the site. This site already has access to all municipal services, such as sewer and water.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the following plans:

The Community Investments Plan: The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as a "Residential" on the Future Growth Map Concept Map as: "*areas that*

reflect the full diversity of residential development densities and types typically found in a large urban municipality.” Accessory Apartments are listed in acceptable forms of housing in the plan.

Wichita: Places for People Plan: The proposed Accessory Apartment also conforms with the *Wichita: Places for People Plan*. The property is located within Wichita’s Established Central Area in an “Area of Opportunity”, which the *Plan* defines as “areas in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.” Accessory Apartments promote small-scale infill and could contribute to the improvement of the area.

Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Accessory Apartment proposal aligns with the design principles of Places for People Strategy 5 by “supporting development of a variety of lot sizes and housing types.” The Land Use Compatibility principle encourages Accessory Apartments as appropriate in existing neighborhoods. The requested Conditional Use also aligns with the *Places for People Plan*’s Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The Accessory Apartment is an existing accessory structure.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 703 North Clara Street) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
4. The water and sewer provided to the Accessory Apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

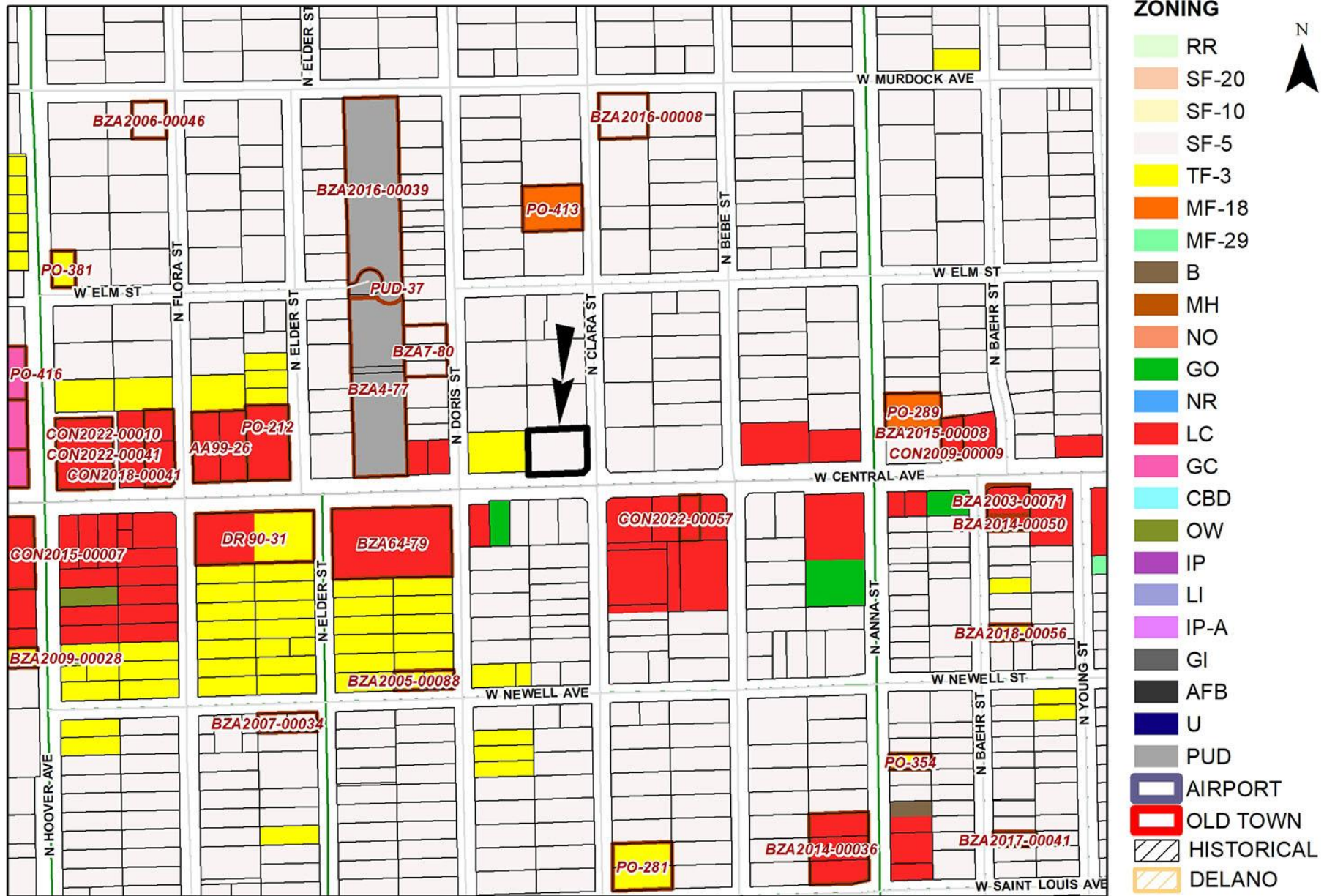
1. **The zoning, uses and character of the neighborhood:** Property to the west is zoned TF-3 Two-Family Residential District and developed with a single-family dwelling and detached garage. Properties to the north, east, and south are zoned SF-5 Single-Family Residential District and developed with single-family dwellings and accessory structures. Properties to the southeast and southwest are zoned LC Limited Commercial District and developed with commercial uses.
2. **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-5 which allows for the development of single-family residences. The property will continue to be used as a single-family residence, the size of the property easily accommodates the Accessory Apartment and the additional required parking spaces. The Accessory Apartment has been constructed since 1950.

3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any unanticipated detrimental impacts.
4. **Length of time subject property has remained vacant as zoned:** The subject main dwelling was constructed in 1949 and the Accessory Apartment was constructed in 1950.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Staff does not anticipate the requested Conditional Use to have any detrimental effects on the public health, safety, and welfare of the surrounding community. There is ample space on site to accommodate the anticipated traffic and parking. Denial could result in a loss of use and enjoyment of the applicant's property.
6. **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed Conditional Use is in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in the staff report.
7. **Impact of the proposed development on community facilities:** Community facilities will be minimally impacted by the Accessory Apartment. The property is served by municipal water and sewer.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Community Investments Plan Land Use Map
5. Site Photos







2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

-  Small City Urban Growth Areas
-  Small City Urban Growth Areas
-  Rural Areas

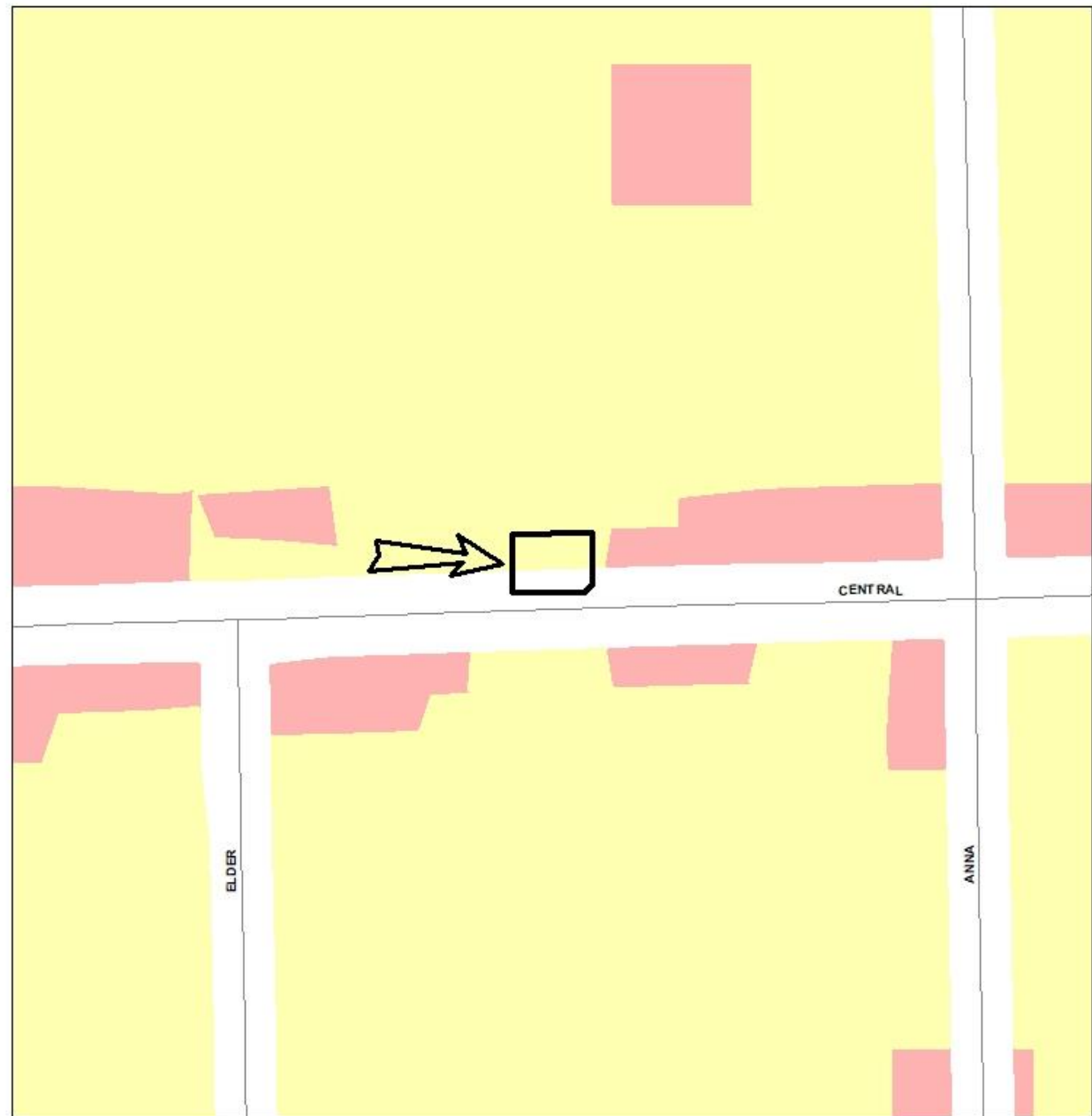
LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Neighborhood/Area Plans

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Looking west at site—Main Dwelling



Looking west at property north of site



Looking west at site—Accessory Apartment



Looking east away from site



Looking southeast away from site



Looking south away from site

